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1 **TITLE VII—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 701. DUTIES AND POWERS OF ADMINISTRATOR.**

4 Section 106(g)(1)(A) is amended by striking
5 “40113(a), (c), and (d),” and all that follows through
6 “45302–45304,” and inserting “40113(a), 40113(c),
7 40113(d), 40113(e), 40114(a), and 40119, chapter 445
8 (except sections 44501(b), 44502(a)(2), 44502(a)(3),
9 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and
10 44515), chapter 447 (except sections 44717, 44718(a),
11 44718(b), 44719, 44720, 44721(b), 44722, and 44723),
12 chapter 449 (except sections 44903(d), 44904, 44905,
13 44907–44911, 44913, 44915, and 44931–44934), chapter
14 451, chapter 453, sections”.

15 **SEC. 702. PUBLIC AIRCRAFT.**

16 (a) DEFINITION OF PUBLIC AIRCRAFT.—Section
17 40102(a)(37) is amended to read as follows:

18 “(37) ‘public aircraft’ means any of the fol-
19 lowing:

20 “(A) Except with respect to an aircraft de-
21 scribed in subparagraph (E), an aircraft used
22 only for the United States Government, except
23 as provided in section 40125(b).

24 “(B) An aircraft owned by the Government
25 and operated by any person for purposes re-

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1 lated to crew training, equipment development,
2 or demonstration, except as provided in section
3 40125(b).

4 “(C) An aircraft owned and operated by
5 the government of a State, the District of Co-
6 lumbia, or a territory or possession of the
7 United States or a political subdivision of one
8 of these governments, except as provided in sec-
9 tion 40125(b).

10 “(D) An aircraft exclusively leased for at
11 least 90 continuous days by the government of
12 a State, the District of Columbia, or a territory
13 or possession of the United States or a political
14 subdivision of one of these governments, except
15 as provided in section 40125(b).

16 “(E) An aircraft owned or operated by the
17 armed forces or chartered to provide transpor-
18 tation to the armed forces under the conditions
19 specified by section 40125(c).”.

20 (b) QUALIFICATIONS FOR PUBLIC AIRCRAFT STA-
21 TUS.—

22 (1) IN GENERAL.—Chapter 401 is further
23 amended by adding at the end the following:

1 **“§ 40125. Qualifications for public aircraft status**

2 “(a) DEFINITIONS.—In this section, the following
3 definitions apply:

4 “(1) COMMERCIAL PURPOSES.—The term ‘com-
5 mercial purposes’ means the transportation of per-
6 sons or property for compensation or hire, but does
7 not include the operation of an aircraft by the armed
8 forces for reimbursement when that reimbursement
9 is required by any Federal statute, regulation, or di-
10 rective, in effect on November 1, 1999, or by one
11 government on behalf of another government under
12 a cost reimbursement agreement if the government
13 on whose behalf the operation is conducted certifies
14 to the Administrator of the Federal Aviation Admin-
15 istration that the operation is necessary to respond
16 to a significant and imminent threat to life or prop-
17 erty (including natural resources) and that no serv-
18 ice by a private operator is reasonably available to
19 meet the threat.

20 “(2) GOVERNMENTAL FUNCTION.—The term
21 ‘governmental function’ means an activity under-
22 taken by a government, such as national defense, in-
23 telligence missions, firefighting, search and rescue,
24 law enforcement (including transport of prisoners,
25 detainees, and illegal aliens), aeronautical research,
26 or biological or geological resource management.

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1 “(3) QUALIFIED NON-CREWMEMBER.—The
2 term ‘qualified non-crewmember’ means an indi-
3 vidual, other than a member of the crew, aboard an
4 aircraft—

5 “(A) operated by the armed forces or an
6 intelligence agency of the United States Gov-
7 ernment; or

8 “(B) whose presence is required to per-
9 form, or is associated with the performance of,
10 a governmental function.

11 “(4) ARMED FORCES.—The term ‘armed forces’
12 has the meaning given such term by section 101 of
13 title 10.

14 “(b) AIRCRAFT OWNED BY GOVERNMENTS.—An air-
15 craft described in subparagraph (A), (B), (C), or (D) of
16 section 40102(a)(37) does not qualify as a public aircraft
17 under such section when the aircraft is used for commer-
18 cial purposes or to carry an individual other than a crew-
19 member or a qualified noncrewmember.

20 “(c) AIRCRAFT OWNED OR OPERATED BY THE
21 ARMED FORCES.—

22 “(1) IN GENERAL.—Subject to paragraph (2),
23 an aircraft described in section 40102(a)(37)(E)
24 qualifies as a public aircraft if—

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1 “(A) the aircraft is operated in accordance
2 with title 10;

3 “(B) the aircraft is operated in the per-
4 formance of a governmental function under ti-
5 tles 14, 31, 32, or 50 and the aircraft is not
6 used for commercial purposes; or

7 “(C) the aircraft is chartered to provide
8 transportation to the armed forces and the Sec-
9 retary of Defense (or the Secretary of the de-
10 partment in which the Coast Guard is oper-
11 ating) designates the operation of the aircraft
12 as being required in the national interest.

13 “(2) LIMITATION.—An aircraft that meets the
14 criteria set forth in paragraph (1) and that is owned
15 or operated by the National Guard of a State, the
16 District of Columbia, or any territory or possession
17 of the United States, qualifies as a public aircraft
18 only to the extent that it is operated under the di-
19 rect control of the Department of Defense.”.

20 (2) CONFORMING AMENDMENT.—The analysis
21 for chapter 401 is amended by adding at the end the
22 following:

“40125. Qualifications for public aircraft status.”.

23 (c) SAFETY OF PUBLIC AIRCRAFT.—

24 (1) STUDY.—The National Transportation
25 Safety Board shall conduct a study to compare the

1 safety of public aircraft and civil aircraft. In con-
2 ducting the study, the Board shall review safety sta-
3 tistics on aircraft operations since 1993.

4 (2) REPORT.—Not later than 6 months after
5 the date of enactment of this Act, the National
6 Transportation Safety Board shall transmit to Con-
7 gress a report containing the results of the study
8 conducted under paragraph (1).

9 **SEC. 703. PROHIBITION ON RELEASE OF OFFEROR PRO-**
10 **POSALS.**

11 Section 40110 (as amended by section 307(b) of this
12 Act) is further amended by adding at the end the fol-
13 lowing:

14 “(e) PROHIBITION ON RELEASE OF OFFEROR PRO-
15 POSALS.—

16 “(1) GENERAL RULE.—Except as provided in
17 paragraph (2), a proposal in the possession or con-
18 trol of the Administrator may not be made available
19 to any person under section 552 of title 5.

20 “(2) EXCEPTION.—Paragraph (1) shall not
21 apply to any portion of a proposal of an offeror the
22 disclosure of which is authorized by the Adminis-
23 trator pursuant to procedures published in the Fed-
24 eral Register. The Administrator shall provide an
25 opportunity for public comment on the procedures

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1 for a period of not less than 30 days beginning on
2 the date of such publication in order to receive and
3 consider the views of all interested parties on the
4 procedures. The procedures shall not take effect be-
5 fore the 60th day following the date of such publica-
6 tion.

7 “(3) PROPOSAL DEFINED.—In this subsection,
8 the term ‘proposal’ means information contained in
9 or originating from any proposal, including a tech-
10 nical, management, or cost proposal, submitted by
11 an offeror in response to the requirements of a solie-
12 itation for a competitive proposal.”.

13 **SEC. 704. FAA EVALUATION OF LONG-TERM CAPITAL LEAS-**
14 **ING.**

15 (a) IN GENERAL.—The Administrator may carry out
16 a pilot program in fiscal years 2001 through 2003 to test
17 and evaluate the benefits of long-term contracts for the
18 leasing of aviation equipment and facilities.

19 (b) PERIOD OF CONTRACTS.—Notwithstanding any
20 other provision of law, the Administrator may enter into
21 a contract under the program to lease aviation equipment
22 or facilities for a period of greater than 5 years.

23 (c) NUMBER OF CONTRACTS.—The Administrator
24 may not enter into more that 10 contracts under the pro-
25 gram.

1 (d) TYPES OF CONTRACTS.—The contracts to be
2 evaluated under the program may include contracts for
3 telecommunication services that are provided through the
4 use of a satellite, requirements related to oceanic and air
5 traffic control, air-to-ground radio communications, and
6 air traffic control tower construction.

7 **SEC. 705. SEVERABLE SERVICES CONTRACTS FOR PERIODS**
8 **CROSSING FISCAL YEARS.**

9 (a) IN GENERAL.—Chapter 401 (as amended by sec-
10 tion 702(b) of this Act) is further amended by adding at
11 the end the following:

12 **“§ 40126. Severable services contracts for periods**
13 **crossing fiscal years**

14 “(a) IN GENERAL.—The Administrator of the Fed-
15 eral Aviation Administration may enter into a contract for
16 procurement of severable services for a period that begins
17 in one fiscal year and ends in the next fiscal year if (with-
18 out regard to any option to extend the period of the con-
19 tract) the contract period does not exceed one year.

20 “(b) OBLIGATION OF FUNDS.—Funds made available
21 for a fiscal year may be obligated for the total amount
22 of a contract entered into under the authority of sub-
23 section (a).”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 chapter 401 is amended by adding at the end the fol-
3 lowing:

“40126. Severable services contracts for periods crossing fiscal years.”.

4 **SEC. 706. PROHIBITIONS ON DISCRIMINATION.**

5 (a) IN GENERAL.—Chapter 401 (as amended by sec-
6 tion 705 of this Act) is further amended by adding at the
7 end the following:

8 **“§ 40127. Prohibitions on discrimination**

9 “(a) PERSONS IN AIR TRANSPORTATION.—An air
10 carrier or foreign air carrier may not subject a person in
11 air transportation to discrimination on the basis of race,
12 color, national origin, religion, sex, or ancestry.

13 “(b) USE OF PRIVATE AIRPORTS.—Notwithstanding
14 any other provision of law, no State or local government
15 may prohibit the use or full enjoyment of a private airport
16 within its jurisdiction by any person on the basis of that
17 person’s race, color, national origin, religion, sex, or ances-
18 try.”.

19 (b) CONFORMING AMENDMENT.—The analysis for
20 chapter 401 is further amended by adding at the end the
21 following:

“40127. Prohibitions on discrimination.”.

22 **SEC. 707. DISCRIMINATION AGAINST HANDICAPPED INDI-**
23 **VIDUALS.**

24 (a) IN GENERAL.—Section 41705 is amended—

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1 (1) by inserting “(a) IN GENERAL.—” before
2 “In providing”;

3 (2) by striking “carrier” and inserting “carrier,
4 including (subject to section 40105(b)) any foreign
5 air carrier,”; and

6 (3) by adding at the end the following:

7 “(b) EACH ACT CONSTITUTES SEPARATE OF-
8 FENSE.—For purposes of section 46301(a)(3)(E), a sepa-
9 rate violation occurs under this section for each individual
10 act of discrimination prohibited by subsection (a).

11 “(c) INVESTIGATION OF COMPLAINTS.—

12 “(1) IN GENERAL.—The Secretary shall inves-
13 tigate each complaint of a violation of subsection
14 (a).

15 “(2) PUBLICATION OF DATA.—The Secretary
16 shall publish disability-related complaint data in a
17 manner comparable to other consumer complaint
18 data.

19 “(3) REVIEW AND REPORT.—The Secretary
20 shall regularly review all complaints received by air
21 carriers alleging discrimination on the basis of dis-
22 ability and shall report annually to Congress on the
23 results of such review.

1 “(4) TECHNICAL ASSISTANCE.—Not later than
2 180 days after the date of enactment of this sub-
3 section, the Secretary shall—

4 “(A) implement a plan, in consultation
5 with the Department of Justice, the United
6 States Architectural and Transportation Bar-
7 riers Compliance Board, and the National
8 Council on Disability, to provide technical as-
9 sistance to air carriers and individuals with dis-
10 abilities in understanding the rights and re-
11 sponsibilities set forth in this section; and

12 “(B) ensure the availability and provision
13 of appropriate technical assistance manuals to
14 individuals and entities with rights or respon-
15 sibilities under this section.”.

16 (b) CIVIL PENALTY.—Section 46301(a)(3) (as
17 amended by section 504(b) of this Act) is further amended
18 by adding at the end the following:

19 “(E) a violation of section 41705, relating to
20 discrimination against handicapped individuals.”.

21 (c) ESTABLISHMENT OF HIGHER INTERNATIONAL
22 STANDARDS.—The Secretary shall work with appropriate
23 international organizations and the aviation authorities of
24 other nations to bring about the establishment of higher
25 standards for accommodating handicapped passengers in

1 air transportation, particularly with respect to foreign air
2 carriers that code-share with air carriers.

3 **SEC. 708. PROHIBITIONS AGAINST SMOKING ON SCHED-**
4 **ULED FLIGHTS.**

5 (a) IN GENERAL.—Section 41706 is amended to read
6 as follows:

7 **“§ 41706. Prohibitions against smoking on scheduled**
8 **flights**

9 “(a) SMOKING PROHIBITION IN INTRASTATE AND
10 INTERSTATE AIR TRANSPORTATION.—An individual may
11 not smoke in an aircraft in scheduled passenger interstate
12 air transportation or scheduled passenger intrastate air
13 transportation.

14 “(b) SMOKING PROHIBITION IN FOREIGN AIR
15 TRANSPORTATION.—The Secretary of Transportation
16 shall require all air carriers and foreign air carriers to pro-
17 hibit smoking in any aircraft in scheduled passenger for-
18 eign air transportation.

19 “(c) LIMITATION ON APPLICABILITY.—

20 “(1) IN GENERAL.—If a foreign government ob-
21 jects to the application of subsection (b) on the basis
22 that subsection (b) provides for an extraterritorial
23 application of the laws of the United States, the Sec-
24 retary shall waive the application of subsection (b)
25 to a foreign air carrier licensed by that foreign gov-

1 ernment at such time as an alternative prohibition
2 negotiated under paragraph (2) becomes effective
3 and is enforced by the Secretary.

4 “(2) ALTERNATIVE PROHIBITION.—If, pursuant
5 to paragraph (1), a foreign government objects to
6 the prohibition under subsection (b), the Secretary
7 shall enter into bilateral negotiations with the object-
8 ing foreign government to provide for an alternative
9 smoking prohibition.

10 “(d) REGULATIONS.—The Secretary shall prescribe
11 such regulations as are necessary to carry out this sec-
12 tion.”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 subsection (a) shall take effect on the date that is 60 days
15 after the date of enactment of this Act.

16 **SEC. 709. JOINT VENTURE AGREEMENT.**

17 Section 41720, as redesignated by section 231(b)(1)
18 of this Act, is amended by striking “an agreement entered
19 into by a major air carrier” and inserting “an agreement
20 between 2 or more major air carriers”.

21 **SEC. 710. REPORTS BY CARRIERS ON INCIDENTS INVOLV-**
22 **ING ANIMALS DURING AIR TRANSPORT.**

23 (a) IN GENERAL.—Subchapter I of chapter 417 (as
24 amended by section 231(b) of this Act) is further amended
25 by adding at the end the following:

1 **“§ 41721. Reports by carriers on incidents involving**
2 **animals during air transport**

3 “(a) IN GENERAL.—An air carrier that provides
4 scheduled passenger air transportation shall submit
5 monthly to the Secretary a report on any incidents involv-
6 ing the loss, injury, or death of an animal (as defined by
7 the Secretary of Transportation) during air transport pro-
8 vided by the air carrier. The report shall be in such form
9 and contain such information as the Secretary determines
10 appropriate.

11 “(b) TRAINING OF AIR CARRIER EMPLOYEES.—The
12 Secretary shall work with air carriers to improve the train-
13 ing of employees with respect to the air transport of ani-
14 mals and the notification of passengers of the conditions
15 under which the air transport of animals is conducted.

16 “(c) SHARING OF INFORMATION.—The Secretary and
17 the Secretary of Agriculture shall enter into a memo-
18 randum of understanding to ensure the sharing of infor-
19 mation that the Secretary receives under subsection (a).

20 “(d) PUBLICATION OF DATA.—The Secretary shall
21 publish data on incidents and complaints involving the
22 loss, injury, or death of an animal during air transport
23 in a manner comparable to other consumer complaint and
24 incident data.

25 “(e) AIR TRANSPORT.—For purposes of this section,
26 the air transport of an animal includes the entire period

1 during which an animal is in the custody of an air carrier,
2 from check-in of the animal prior to departure until the
3 animal is returned to the owner or guardian of the animal
4 at the final destination of the animal.”.

5 (b) CONFORMING AMENDMENT.—The analysis for
6 such subchapter is further amended by adding at the end
7 the following:

“41721. Reports by carriers on incidents involving animals during air transportation.”.

8 **SEC. 711. EXTENSION OF WAR RISK INSURANCE PROGRAM.**

9 Section 44310 is amended by striking “after” and all
10 that follows and inserting “after December 31, 2003.”.

11 **SEC. 712. GENERAL FACILITIES AND PERSONNEL AUTHORITY.**

12
13 Section 44502(a) is amended by adding at the end
14 the following:

15 “(5) IMPROVEMENTS ON LEASED PROPERTIES.—The Administrator may make improvements to real property leased for no or nominal consideration for an air navigation facility, regardless of
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19 whether the cost of making the improvements exceeds the cost of leasing the real property, if—
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21 “(A) the improvements primarily benefit
22 the Government;

1 “(B) the improvements are essential for
2 accomplishment of the mission of the Federal
3 Aviation Administration; and

4 “(C) the interest of the United States Gov-
5 ernment in the improvements is protected.”.

6 **SEC. 713. HUMAN FACTORS PROGRAM.**

7 (a) IN GENERAL.—Chapter 445 is amended by add-
8 ing at the end the following:

9 **“§ 44516. Human factors program**

10 “(a) HUMAN FACTORS TRAINING.—

11 “(1) AIR TRAFFIC CONTROLLERS.—The Admin-
12 istrator of the Federal Aviation Administration
13 shall—

14 “(A) address the problems and concerns
15 raised by the National Research Council in its
16 report ‘The Future of Air Traffic Control’ on
17 air traffic control automation; and

18 “(B) respond to the recommendations
19 made by the National Research Council.

20 “(2) PILOTS AND FLIGHT CREWS.—The Admin-
21 istrator shall work with representatives of the avia-
22 tion industry and appropriate aviation programs as-
23 sociated with universities to develop specific training
24 curricula to address critical safety problems, includ-
25 ing problems of pilots—

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1 “(A) in recovering from loss of control of
2 an aircraft, including handling unusual atti-
3 tudes and mechanical malfunctions;

4 “(B) in deviating from standard operating
5 procedures, including inappropriate responses to
6 emergencies and hazardous weather;

7 “(C) in awareness of altitude and location
8 relative to terrain to prevent controlled flight
9 into terrain; and

10 “(D) in landing and approaches, including
11 nonprecision approaches and go-around proce-
12 dures.

13 “(b) TEST PROGRAM.—The Administrator shall es-
14 tablish a test program in cooperation with air carriers to
15 use model Jeppesen approach plates or other similar tools
16 to improve precision-like landing approaches for aircraft.

17 “(c) REPORT.—Not later than 1 year after the date
18 of enactment of this section, the Administrator shall
19 transmit to the Committee on Commerce, Science, and
20 Transportation of the Senate and the Committee on
21 Transportation and Infrastructure of the House of Rep-
22 resentatives a report on the status of the Administration’s
23 efforts to encourage the adoption and implementation of
24 advanced qualification programs for air carriers under this
25 section.

1 “(d) ADVANCED QUALIFICATION PROGRAM DE-
2 FINED.—In this section, the term ‘advanced qualification
3 program’ means an alternative method for qualifying,
4 training, certifying, and ensuring the competency of flight
5 crews and other commercial aviation operations personnel
6 subject to the training and evaluation requirements of
7 parts 121 and 135 of title 14, Code of Federal Regula-
8 tions.”.

9 (b) AUTOMATION AND ASSOCIATED TRAINING.—Not
10 later than 12 months after the date of enactment of this
11 Act, the Administrator shall complete updating training
12 practices for flight deck automation and associated train-
13 ing requirements.

14 (c) CONFORMING AMENDMENT.—The analysis for
15 chapter 445 is further amended by adding at the end the
16 following:

“44516. Human factors program.”.

17 **SEC. 714. IMPLEMENTATION OF ARTICLE 83 BIS OF THE**
18 **CHICAGO CONVENTION.**

19 Section 44701 is amended by—

20 (1) redesignating subsection (e) as subsection
21 (f); and

22 (2) by inserting after subsection (d) the fol-
23 lowing:

24 “(e) BILATERAL EXCHANGES OF SAFETY OVER-
25 SIGHT RESPONSIBILITIES.—

1 “(1) IN GENERAL.—Notwithstanding the provi-
2 sions of this chapter, the Administrator, pursuant to
3 Article 83 bis of the Convention on International
4 Civil Aviation and by a bilateral agreement with the
5 aeronautical authorities of another country, may ex-
6 change with that country all or part of their respec-
7 tive functions and duties with respect to registered
8 aircraft under the following articles of the Conven-
9 tion: Article 12 (Rules of the Air); Article 31 (Cer-
10 tificates of Airworthiness); or Article 32a (Licenses
11 of Personnel).

12 “(2) RELINQUISHMENT AND ACCEPTANCE OF
13 RESPONSIBILITY.—The Administrator relinquishes
14 responsibility with respect to the functions and du-
15 ties transferred by the Administrator as specified in
16 the bilateral agreement, under the Articles listed in
17 paragraph (1) for United States-registered aircraft
18 described in paragraph (4)(A) transferred abroad
19 and accepts responsibility with respect to the func-
20 tions and duties under those Articles for aircraft
21 registered abroad and described in paragraph (4)(B)
22 that are transferred to the United States.

23 “(3) CONDITIONS.—The Administrator may
24 predicate, in the agreement, the transfer of func-
25 tions and duties under this subsection on any condi-

1 tions the Administrator deems necessary and pru-
2 dent, except that the Administrator may not transfer
3 responsibilities for United States registered aircraft
4 described in paragraph (4)(A) to a country that the
5 Administrator determines is not in compliance with
6 its obligations under international law for the safety
7 oversight of civil aviation.

8 “(4) REGISTERED AIRCRAFT DEFINED.—In this
9 subsection, the term ‘registered aircraft’ means—

10 “(A) aircraft registered in the United
11 States and operated pursuant to an agreement
12 for the lease, charter, or interchange of the air-
13 craft or any similar arrangement by an oper-
14 ator that has its principal place of business or,
15 if it has no such place of business, its perma-
16 nent residence in another country; and

17 “(B) aircraft registered in a foreign coun-
18 try and operated under an agreement for the
19 lease, charter, or interchange of the aircraft or
20 any similar arrangement by an operator that
21 has its principal place of business or, if it has
22 no such place of business, its permanent resi-
23 dence in the United States.”.

24 **SEC. 715. PUBLIC AVAILABILITY OF AIRMEN RECORDS.**

25 Section 44703 is amended—

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1 (1) by redesignating subsections (c) through (f)
2 as subsections (d) through (g), respectively; and

3 (2) by inserting after subsection (b) the fol-
4 lowing:

5 “(c) PUBLIC INFORMATION.—

6 “(1) IN GENERAL.—Subject to paragraph (2)
7 and notwithstanding any other provision of law, the
8 information contained in the records of contents of
9 any airman certificate issued under this section that
10 is limited to an airman’s name, address, and ratings
11 held shall be made available to the public after the
12 120th day following the date of enactment of the
13 Wendell H. Ford Aviation Investment and Reform
14 Act for the 21st Century.

15 “(2) OPPORTUNITY TO WITHHOLD INFORMA-
16 TION.—Before making any information concerning
17 an airman available to the public under paragraph
18 (1), the airman shall be given an opportunity to
19 elect that the information not be made available to
20 the public.

21 “(3) DEVELOPMENT AND IMPLEMENTATION OF
22 PROGRAM.—Not later than 60 days after the date of
23 enactment of the Wendell H. Ford Aviation Invest-
24 ment and Reform Act for the 21st Century, the Ad-
25 ministrator shall develop and implement, in coopera-

1 tion with representatives of the aviation industry, a
2 1-time written notification to airmen to set forth the
3 implications of making information concerning an
4 airman available to the public under paragraph (1)
5 and to carry out paragraph (2). The Administrator
6 shall also provide such written notification to each
7 individual who becomes an airman after such date of
8 enactment.”.

9 **SEC. 716. REVIEW PROCESS FOR EMERGENCY ORDERS.**

10 Section 44709(e) is amended to read as follows:

11 “(e) EFFECTIVENESS OF ORDERS PENDING AP-
12 PEAL.—

13 “(1) IN GENERAL.—When a person files an ap-
14 peal with the Board under subsection (d), the order
15 of the Administrator is stayed.

16 “(2) EXCEPTION.—Notwithstanding paragraph
17 (1), the order of the Administrator is effective imme-
18 diately if the Administrator advises the Board that
19 an emergency exists and safety in air commerce or
20 air transportation requires the order to be effective
21 immediately.

22 “(3) REVIEW OF EMERGENCY ORDER.—A per-
23 son affected by the immediate effectiveness of the
24 Administrator’s order under paragraph (2) may peti-
25 tion for a review by the Board, under procedures

1 promulgated by the Board, of the Administrator's
2 determination that an emergency exists. Any such
3 review shall be requested not later than 48 hours
4 after the order is received by the person. If the
5 Board finds that an emergency does not exist that
6 requires the immediate application of the order in
7 the interest of safety in air commerce or air trans-
8 portation, the order shall be stayed, notwithstanding
9 paragraph (2). The Board shall dispose of a review
10 request under this paragraph not later than 5 days
11 after the date on which the request is filed.

12 “(4) FINAL DISPOSITION.—The Board shall
13 make a final disposition of an appeal under sub-
14 section (d) not later than 60 days after the date on
15 which the appeal is filed.”.

16 **SEC. 717. GOVERNMENT AND INDUSTRY CONSORTIA.**

17 Section 44903 is amended by adding at the end the
18 following:

19 “(f) GOVERNMENT AND INDUSTRY CONSORTIA.—
20 The Administrator may establish at airports such con-
21 sortia of government and aviation industry representatives
22 as the Administrator may designate to provide advice on
23 matters related to aviation security and safety. Such con-
24 sortia shall not be considered Federal advisory committees

1 for purposes of the Federal Advisory Committee Act (5
2 U.S.C. App.).”.

3 **SEC. 718. PASSENGER MANIFEST.**

4 Section 44909(a)(2) is amended by striking “shall”
5 and inserting “should”.

6 **SEC. 719. COST RECOVERY FOR FOREIGN AVIATION SERV-**
7 **ICES.**

8 Section 45301 is amended—

9 (1) by striking subsection (a)(2) and inserting
10 the following:

11 “(2) Services (other than air traffic control
12 services) provided to a foreign government or serv-
13 ices provided to any entity obtaining services outside
14 the United States, except that the Administrator
15 shall not impose fees in any manner for production-
16 certification related service performed outside the
17 United States pertaining to aeronautical products
18 manufactured outside the United States.”; and

19 (2) by adding at the end the following:

20 “(d) **PRODUCTION-CERTIFICATION RELATED SERV-**
21 **ICE DEFINED.**—In this section, the term ‘production-cer-
22 tification related service’ has the meaning given that term
23 in appendix C of part 187 of title 14, Code of Federal
24 Regulations.”.

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1 **SEC. 720. TECHNICAL CORRECTIONS TO CIVIL PENALTY**
2 **PROVISIONS.**

3 Section 46301 is amended—

4 (1) in subsection (a)(1)(A) by striking “46302,
5 46303, or”;

6 (2) in subsection (d)(7)(A) by striking “an indi-
7 vidual” the first place it appears and inserting “a
8 person”; and

9 (3) in subsection (g) by inserting “or the Ad-
10 ministrator” after “Secretary”.

11 **SEC. 721. WAIVER UNDER AIRPORT NOISE AND CAPACITY**
12 **ACT.**

13 (a) REPEAL.—Section 231 of H.R. 3425 of the 106th
14 Congress, as enacted into law by section 1000(a)(5) of
15 Public Law 106–113, is repealed and the provisions of law
16 amended by such section shall be read as if such section
17 had not been enacted into law.

18 (b) EXEMPTION FOR AIRCRAFT MODIFICATION OR
19 DISPOSAL, SCHEDULED HEAVY MAINTENANCE, OR LEAS-
20 ING-RELATED FLIGHTS.—Section 47528 is amended—

21 (1) in subsection (a) by striking “subsection
22 (b)” and inserting “subsection (b) or (f)”;

23 (2) in subsection (e) by adding at the end the
24 following:

1 “(4) An air carrier operating stage 2 aircraft under
2 this subsection may transport stage 2 aircraft to or from
3 the 48 contiguous States on a nonrevenue basis in order—

4 “(A) to perform maintenance (including major
5 alterations) or preventative maintenance on aircraft
6 operated, or to be operated, within the limitations of
7 paragraph (2)(B); or

8 “(B) conduct operations within the limitations
9 of paragraph (2)(B).”; and

10 (3) by adding at the end the following:

11 “(f) AIRCRAFT MODIFICATION, DISPOSAL, SCHED-
12 ULED HEAVY MAINTENANCE, OR LEASING.—

13 “(1) IN GENERAL.—The Secretary shall permit
14 a person to operate after December 31, 1999, a
15 stage 2 aircraft in nonrevenue service through the
16 airspace of the United States or to or from an air-
17 port in the contiguous 48 States in order to—

18 “(A) sell, lease, or use the aircraft outside
19 the contiguous 48 States;

20 “(B) scrap the aircraft;

21 “(C) obtain modifications to the aircraft to
22 meet stage 3 noise levels;

23 “(D) perform scheduled heavy maintenance
24 or significant modifications on the aircraft at a

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1 maintenance facility located in the contiguous
2 48 States;

3 “(E) deliver the aircraft to an operator
4 leasing the aircraft from the owner or return
5 the aircraft to the lessor;

6 “(F) prepare or park or store the aircraft
7 in anticipation of any of the activities described
8 in subparagraphs (A) through (E); or

9 “(G) divert the aircraft to an alternative
10 airport in the contiguous 48 States on account
11 of weather, mechanical, fuel, air traffic control,
12 or other safety reasons while conducting a flight
13 in order to perform any of the activities de-
14 scribed in subparagraphs (A) through (F).

15 “(2) PROCEDURE TO BE PUBLISHED.—Not
16 later than 30 days after the date of enactment of
17 this subsection, the Secretary shall establish and
18 publish a procedure to implement paragraph (1)
19 through the use of categorical waivers, ferry permits,
20 or other means.

21 “(g) STATUTORY CONSTRUCTION.—Nothing in this
22 section may be construed as interfering with, nullifying,
23 or otherwise affecting determinations made by the Federal
24 Aviation Administration, or to be made by the Administra-
25 tion with respect to applications under part 161 of title

1 14, Code of Federal Regulations, that were pending on
2 November 1, 1999.”.

3 (c) NOISE STANDARDS FOR EXPERIMENTAL AIR-
4 CRAFT.—

5 (1) IN GENERAL.—Section 47528(a) is amend-
6 ed by inserting “(for which an airworthiness certifi-
7 cate other than an experimental certificate has been
8 issued by the Administrator)” after “civil subsonic
9 turbojet”.

10 (2) REGULATIONS.—Regulations contained in
11 title 14, Code of Federal Regulations, that imple-
12 ment section 47528 of title 49, United States Code,
13 and related provisions shall be deemed to incor-
14 porate the amendment made by paragraph (1) on
15 the date of enactment of this Act.

16 (d) WAIVERS FOR AIRCRAFT NOT COMPLYING WITH
17 STAGE 3 NOISE LEVELS.—Section 47528(b)(1) is
18 amended—

19 (1) in the first sentence by inserting “or foreign
20 air carrier” after “air carrier”; and

21 (2) by inserting after “January 1, 1999,” the
22 following: “or, in the case of a foreign air carrier,
23 the 15th day following the date of enactment of the
24 Wendell H. Ford Aviation Investment and Reform
25 Act for the 21st Century”.

1 **SEC. 722. LAND USE COMPLIANCE REPORT.**

2 Section 47131 is amended—

3 (1) by inserting “(a) GENERAL RULE.—” be-
4 fore “Not later”;

5 (2) by striking “and” at the end of paragraph
6 (3);

7 (3) by striking the period at the end of para-
8 graph (4) and inserting “; and”; and

9 (4) by adding at the end the following:

10 “(5) a detailed statement listing airports that
11 the Secretary believes are not in compliance with
12 grant assurances or other requirements with respect
13 to airport lands and including the circumstances of
14 such noncompliance, the timelines for corrective ac-
15 tion, and the corrective action the Secretary intends
16 to take to bring the airport sponsor into compliance.

17 “(b) SPECIAL RULE FOR LISTING NONCOMPLIANT
18 AIRPORTS.—The Secretary does not have to conduct an
19 audit or make a final determination before including an
20 airport on the list referred to in subsection (a)(5).”.

21 **SEC. 723. CHARTER AIRLINES.**

22 Section 41104 is amended—

23 (1) by redesignating subsections (b) and (c) as
24 (c) and (d), respectively; and

25 (2) by inserting after subsection (a) the fol-
26 lowing:

1 “(b) SCHEDULED OPERATIONS.—

2 “(1) IN GENERAL.—An air carrier, including an
3 indirect air carrier, which operates aircraft designed
4 for more than 9 passenger seats, may not provide
5 regularly scheduled charter air transportation for
6 which the general public is provided in advance a
7 schedule containing the departure location, depart-
8 ure time, and arrival location of the flights to or
9 from an airport that is not located in Alaska and
10 that does not have an operating certificate issued
11 under part 139 of title 14, Code of Federal Regula-
12 tions (or any subsequent similar regulations).

13 “(2) DEFINITION.—In this paragraph, the term
14 ‘regularly scheduled charter air transportation’ does
15 not include operations for which the departure time,
16 departure location, and arrival location are specifi-
17 cally negotiated with the customer or the customer’s
18 representative.”.

19 **SEC. 724. CREDIT FOR EMERGENCY SERVICES PROVIDED.**

20 (a) STUDY.—The Administrator shall conduct a
21 study of the appropriateness of allowing an airport that
22 agrees to provide services to the Federal Emergency Man-
23 agement Agency or to a State or local agency in the event
24 of an emergency a credit of the value of such services

1 against the airport's local share under the airport im-
2 provement program.

3 (b) NOTIFICATION.—The Administrator shall notify
4 nonhub and general aviation airports that the Adminis-
5 trator is conducting the study under subsection (a) and
6 give them an opportunity to explain how the credit de-
7 scribed in subsection (a) would benefit such airports.

8 (c) REPORT.—Not later than 180 days after the date
9 of enactment of this Act, the Administrator shall transmit
10 to Congress a report on the results of the study conducted
11 under subsection (a). The report shall identify, at a min-
12 imum, the airports that would be affected by providing
13 the credit described in subsection (a), explain what sort
14 of emergencies could qualify for such credit, and explain
15 how the costs would be quantified to determine the credit
16 against the local share.

17 **SEC. 725. PASSENGER CABIN AIR QUALITY.**

18 (a) STUDY OF AIR QUALITY IN PASSENGER CABINS
19 IN COMMERCIAL AIRCRAFT.—

20 (1) IN GENERAL.—Not later than 60 days after
21 the date of enactment of this Act, the Administrator
22 shall arrange for and provide necessary data to the
23 National Academy of Sciences to conduct a 12-
24 month, independent study of air quality in passenger
25 cabins of aircraft used in air transportation and for-

1 eign air transportation, including the collection of
2 new data, in coordination with the Federal Aviation
3 Administration, to identify contaminants in the air-
4 craft air and develop recommendations for means of
5 reducing such contaminants.

6 (2) ALTERNATIVE AIR SUPPLY.—The study
7 should examine whether contaminants would be re-
8 duced by the replacement of engine and auxiliary
9 power unit bleed air with an alternative supply of air
10 for the aircraft passengers and crew.

11 (3) SCOPE.—The study shall include an assess-
12 ment and quantitative analysis of each of the fol-
13 lowing:

14 (A) Contaminants of concern, as deter-
15 mined by the National Academy of Sciences.

16 (B) The systems of air supply on aircraft,
17 including the identification of means by which
18 contaminants may enter such systems.

19 (C) The toxicological and health effects of
20 the contaminants of concern, their byproducts,
21 and the products of their degradation.

22 (D) Any contaminant used in the mainte-
23 nance, operation, or treatment of aircraft, if a
24 passenger or a member of the air crew may be
25 directly exposed to the contaminant.

1 (E) Actual measurements of the contami-
2 nants of concern in the air of passenger cabins
3 during actual flights in air transportation or
4 foreign air transportation, along with compari-
5 sons of such measurements to actual measure-
6 ments taken in public buildings.

7 (4) PROVISION OF CURRENT DATA.—The Ad-
8 ministrator shall collect all data of the Federal Avia-
9 tion Administration that is relevant to the study and
10 make the data available to the National Academy of
11 Sciences in order to complete the study.

12 (b) COLLECTION OF AIRCRAFT AIR QUALITY
13 DATA.—

14 (1) IN GENERAL.—The Administrator may con-
15 sider the feasibility of using the flight data recording
16 system on aircraft to monitor and record appropriate
17 data related to air inflow quality, including measure-
18 ments of the exposure of persons aboard the aircraft
19 to contaminants during normal aircraft operation
20 and during incidents involving air quality problems.

21 (2) PASSENGER CABINS.—The Administrator
22 may also consider the feasibility of using the flight
23 data recording system to monitor and record data
24 related to the air quality in passengers cabins of air-
25 craft.

1 **SEC. 726. STANDARDS FOR AIRCRAFT AND AIRCRAFT EN-**
2 **GINES TO REDUCE NOISE LEVELS.**

3 (a) DEVELOPMENT OF NEW STANDARDS.—The Sec-
4 retary shall continue to work to develop through the Inter-
5 national Civil Aviation Organization new performance
6 standards for aircraft and aircraft engines that will lead
7 to a further reduction in aircraft noise levels.

8 (b) GOALS TO BE CONSIDERED IN DEVELOPING
9 NEW STANDARDS.—In negotiating standards under sub-
10 section (a), the Secretary shall give high priority to devel-
11 oping standards that—

12 (1) are performance based and can be achieved
13 by use of a full range of certifiable noise reduction
14 technologies;

15 (2) protect the useful economic value of existing
16 Stage 3 aircraft in the United States fleet;

17 (3) ensure that United States air carriers and
18 aircraft engine and hushkit manufacturers are not
19 competitively disadvantaged;

20 (4) use dynamic economic modeling capable of
21 determining impacts on all aircraft in service in the
22 United States fleet; and

23 (5) continue the use of a balanced approach to
24 address aircraft environmental issues, taking into
25 account aircraft technology, land use planning, eco-

1 nomic feasibility, and airspace operational improve-
2 ments.

3 (c) ANNUAL REPORT.—Not later than July 1, 2000,
4 and annually thereafter, the Secretary shall transmit to
5 Congress a report regarding the application of new stand-
6 ards or technologies to reduce aircraft noise levels.

7 **SEC. 727. TAOS PUEBLO AND BLUE LAKES WILDERNESS**
8 **AREA DEMONSTRATION PROJECT.**

9 Not later than 18 months after the date of enactment
10 of this Act, the Administrator shall work with the Taos
11 Pueblo to study the feasibility of conducting a demonstra-
12 tion project to require all aircraft that fly over Taos Pueb-
13 lo and the Blue Lake Wilderness Area of Taos Pueblo,
14 New Mexico, to maintain a mandatory minimum altitude
15 of at least 5,000 feet above ground level. In conducting
16 the study, the Administrator shall determine whether
17 itinerant general aviation aircraft should be exempt from
18 any such requirement.

19 **SEC. 728. AUTOMATED SURFACE OBSERVATION SYSTEM**
20 **STATIONS.**

21 The Administrator shall not terminate human weath-
22 er observers for Automated Surface Observation System
23 stations until—

24 (1) the Administrator determines that the sys-
25 tem provides consistent reporting of changing mete-

1 orological conditions and notifies Congress in writing
2 of that determination; and

3 (2) 60 days have passed since the report was
4 transmitted to Congress.

5 **SEC. 729. AIRCRAFT SITUATIONAL DISPLAY DATA.**

6 (a) IN GENERAL.—A memorandum of agreement be-
7 tween the Administrator and any person that directly ob-
8 tains aircraft situational display data from the Federal
9 Aviation Administration shall require that—

10 (1) the person demonstrate to the satisfaction
11 of the Administrator that the person is capable of
12 selectively blocking the display of any aircraft-situa-
13 tion-display-to-industry derived data related to any
14 identified aircraft registration number; and

15 (2) the person agree to block selectively the air-
16 craft registration numbers of any aircraft owner or
17 operator upon the Administration's request.

18 (b) EXISTING MEMORANDA TO BE CONFORMED.—
19 Not later than 30 days after the date of enactment of this
20 Act, the Administrator shall conform any memoranda of
21 agreement, in effect on such date of enactment, between
22 the Federal Aviation Administration and a person under
23 which that person obtains aircraft situational display data
24 to incorporate the requirements of subsection (a).

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1 **SEC. 730. ELIMINATION OF BACKLOG OF EQUAL EMPLOY-**
2 **MENT OPPORTUNITY COMPLAINTS.**

3 (a) **HIRING OF ADDITIONAL PERSONNEL.**—For fiscal
4 year 2001, the Secretary may hire or contract for such
5 additional personnel as may be necessary to eliminate the
6 backlog of pending equal employment opportunity com-
7 plaints to the Department of Transportation and to ensure
8 that investigations of complaints are completed not later
9 than 180 days after the date of initiation of the investiga-
10 tion.

11 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is
12 authorized to be appropriated to carry out this section
13 \$2,000,000 for fiscal year 2001.

14 **SEC. 731. GRANT OF EASEMENT, LOS ANGELES, CALI-**
15 **FORNIA.**

16 The Department of Airports of the city of Los Ange-
17 les may grant an easement to the California Department
18 of Transportation to lands required to provide sufficient
19 right-of-way to facilitate the construction of the California
20 State Route 138 bypass, as proposed by the California De-
21 partment of Transportation, if the Department of Airports
22 can document or provide analysis that granting the ease-
23 ment will benefit the Department of Airports or local air-
24 port development to an extent equal to the value of the
25 easement being granted.

1 **SEC. 732. REGULATION OF ALASKA GUIDE PILOTS.**

2 (a) IN GENERAL.—Beginning on the date of enact-
3 ment of this Act, flight operations conducted by Alaska
4 guide pilots shall be regulated under the general operating
5 and flight rules contained in part 91 of title 14, Code of
6 Federal Regulations.

7 (b) RULEMAKING PROCEEDING.—

8 (1) IN GENERAL.—The Administrator shall con-
9 duct a rulemaking proceeding and issue a final rule
10 to modify the general operating and flight rules re-
11 ferred to in subsection (a) by establishing special
12 rules applicable to the flight operations conducted by
13 Alaska guide pilots.

14 (2) CONTENTS OF RULES.—A final rule issued
15 by the Administrator under paragraph (1) shall re-
16 quire Alaska guide pilots—

17 (A) to operate aircraft inspected no less
18 often than after 125 hours of flight time;

19 (B) to participate in an annual flight re-
20 view, as described in section 61.56 of title 14,
21 Code of Federal Regulations;

22 (C) to have at least 500 hours of flight
23 time as a pilot;

24 (D) to have a commercial rating, as de-
25 scribed in subpart F of part 61 of such title;

1 (E) to hold at least a second-class medical
2 certificate, as described in subpart C of part 67
3 of such title;

4 (F) to hold a current letter of authoriza-
5 tion issued by the Administrator; and

6 (G) to take such other actions as the Ad-
7 ministrator determines necessary for safety.

8 (3) CONSIDERATION.—In making a determina-
9 tion to impose a requirement under paragraph
10 (2)(G), the Administrator shall take into account the
11 unique conditions associated with air travel in the
12 State of Alaska to ensure that such requirements
13 are not unduly burdensome.

14 (c) DEFINITIONS.—In this section, the following defi-
15 nitions apply:

16 (1) LETTER OF AUTHORIZATION.—The term
17 “letter of authorization” means a letter issued by
18 the Administrator once every 5 years to an Alaska
19 guide pilot certifying that the pilot is in compliance
20 with general operating and flight rules applicable to
21 the pilot. In the case of a multi-pilot operation, at
22 the election of the operating entity, a letter of au-
23 thorization may be issued by the Administrator to
24 the entity or to each Alaska guide pilot employed by
25 the entity.

1 (2) ALASKA GUIDE PILOT.—The term “Alaska
2 guide pilot” means a pilot who—

3 (A) conducts aircraft operations over or
4 within the State of Alaska;

5 (B) operates single engine, fixed wing air-
6 craft on floats, wheels, or skis, providing com-
7 mercial hunting, fishing, or other guide services
8 and related accommodations in the form of
9 camps or lodges; and

10 (C) transports clients by such aircraft inci-
11 dental to hunting, fishing, or other guide serv-
12 ices.

13 **SEC. 733. NATIONAL TRANSPORTATION DATA CENTER OF**
14 **EXCELLENCE.**

15 Of the amounts made available pursuant to section
16 5117(b)(6)(B) of the Transportation Equity Act for the
17 21st Century (23 U.S.C. 502 note; 112 Stat. 450), not
18 to exceed \$1,000,000 for each of fiscal years 2000 and
19 2001 may be made available by the Secretary to establish,
20 at an Army depot that has been closed or realigned, a na-
21 tional transportation data center of excellence that will—

22 (1) serve as a satellite facility for the central
23 data repository that is hosted by the computer cen-
24 ter of the Transportation Administrative Service;
25 and

1 (2) analyze transportation data collected by the
2 Federal Government, States, cities, and the trans-
3 portation industry.

4 **SEC. 734. AIRCRAFT REPAIR AND MAINTENANCE ADVISORY**
5 **PANEL.**

6 (a) ESTABLISHMENT OF PANEL.—The
7 Administrator—

8 (1) shall establish an aircraft repair and main-
9 tenance advisory panel to review issues related to the
10 use and oversight of aircraft and aviation component
11 repair and maintenance facilities (in this section re-
12 ferred to as “aircraft repair facilities”) located with-
13 in, or outside of, the United States; and

14 (2) may seek the advice of the panel on any
15 issue related to methods to increase safety by im-
16 proving the oversight of aircraft repair facilities.

17 (b) MEMBERSHIP.—The panel shall consist of—

18 (1) 9 members appointed by the Administrator
19 as follows:

20 (A) 3 representatives of labor organiza-
21 tions representing aviation mechanics;

22 (B) 1 representative of cargo air carriers;

23 (C) 1 representative of passenger air car-
24 riers;

1 (D) 1 representative of aircraft repair fa-
2 cilities;

3 (E) 1 representative of aircraft manufac-
4 turers;

5 (F) 1 representative of on-demand pas-
6 senger air carriers and corporate aircraft oper-
7 ations; and

8 (G) 1 representative of regional passenger
9 air carriers;

10 (2) 1 representative from the Department of
11 Commerce, designated by the Secretary of Com-
12 merce;

13 (3) 1 representative from the Department of
14 State, designated by the Secretary of State; and

15 (4) 1 representative from the Federal Aviation
16 Administration, designated by the Administrator.

17 (c) RESPONSIBILITIES.—The panel shall—

18 (1) determine the amount and type of work
19 that is being performed by aircraft repair facilities
20 located within, and outside of, the United States;
21 and

22 (2) provide advice and counsel to the Secretary
23 with respect to the aircraft and aviation component
24 repair work performed by aircraft repair facilities

1 and air carriers, staffing needs, and any balance of
2 trade or safety issues associated with that work.

3 (d) DOT TO REQUEST INFORMATION FROM AIR
4 CARRIERS AND REPAIR FACILITIES.—

5 (1) COLLECTION OF INFORMATION.—The Sec-
6 retary, by regulation, shall require air carriers, for-
7 eign air carriers, domestic repair facilities, and for-
8 eign repair facilities to submit such information as
9 the Secretary may require in order to assess balance
10 of trade and safety issues with respect to work per-
11 formed on aircraft used by air carriers, foreign air
12 carriers, United States corporate operators, and for-
13 eign corporate operators.

14 (2) DRUG AND ALCOHOL TESTING INFORMA-
15 TION.—Included in the information the Secretary re-
16 quires under paragraph (1) shall be information on
17 the existence and administration of employee drug
18 and alcohol testing programs in place at the foreign
19 repair facilities, if applicable. The Secretary, if nec-
20 essary, shall work with the International Civil Avia-
21 tion Organization to increase the number and im-
22 prove the administration of employee drug and alco-
23 hol testing programs at the foreign repair facilities.

24 (3) DESCRIPTION OF WORK DONE.—Included in
25 the information the Secretary requires under para-

1 graph (1) shall be information on the amount and
2 type of work performed on aircraft registered in and
3 outside of the United States.

4 (e) DOT TO FACILITATE COLLECTION OF INFORMA-
5 TION ABOUT AIRCRAFT MAINTENANCE.—The Secretary
6 shall facilitate the collection of information from the Na-
7 tional Transportation Safety Board, the Federal Aviation
8 Administration, and other appropriate agencies regarding
9 maintenance performed by aircraft repair facilities.

10 (f) DOT TO MAKE INFORMATION AVAILABLE TO
11 PUBLIC.—The Secretary shall make any relevant informa-
12 tion received under subsection (d) available to the public,
13 consistent with the authority to withhold trade secrets or
14 commercial, financial, and other proprietary information
15 under section 552 of title 5, United States Code.

16 (g) TERMINATION.—The panel established under
17 subsection (a) shall terminate on the earlier of—

18 (1) the date that is 2 years after the date of en-
19 actment of this Act; or

20 (2) December 31, 2001.

21 (h) DEFINITIONS.—The definitions contained in sec-
22 tion 40102 of title 49, United States Code, shall apply
23 to this section.

1 **SEC. 735. OPERATIONS OF AIR TAXI INDUSTRY.**

2 (a) STUDY.—The Administrator, in consultation with
3 the National Transportation Safety Board and other in-
4 terested persons, shall conduct a study of air taxi opera-
5 tors regulated under part 135 of title 14, Code of Federal
6 Regulations.

7 (b) CONTENTS.—The study shall include an analysis
8 of the size and type of the aircraft fleet, relevant aircraft
9 equipment, hours flown, utilization rates, safety record by
10 various categories of use and aircraft type, sales revenues,
11 and airports served by the air taxi fleet.

12 (c) REPORT.—Not later than 1 year after the date
13 of enactment of this Act, the Administrator shall transmit
14 to Congress a report on the results of the study.

15 **SEC. 736. NATIONAL AIRSPACE REDESIGN.**

16 (a) FINDINGS.—Congress makes the following find-
17 ings:

18 (1) The national airspace, comprising more
19 than 29 million square miles, handles more than
20 55,000 flights per day.

21 (2) Almost 2,000,000 passengers per day tra-
22 verse the United States through 20 major en route
23 centers, including more than 700 different sectors.

24 (3) Redesign and review of the national air-
25 space may produce benefits for the travelling public

1 by increasing the efficiency and capacity of the air
2 traffic control system and reducing delays.

3 (4) Redesign of the national airspace should be
4 a high priority for the Federal Aviation Administra-
5 tion and the air transportation industry.

6 (b) REDESIGN.—The Administrator, with advice
7 from the aviation industry and other interested parties,
8 shall conduct a comprehensive redesign of the national air-
9 space system.

10 (c) REPORT.—Not later than December 31, 2000, the
11 Administrator shall transmit to the Committee on Com-
12 merce, Science, and Transportation of the Senate and the
13 Committee on Transportation and Infrastructure of the
14 House of Representatives a report on the Administrator's
15 comprehensive national airspace redesign. The report shall
16 include projected milestones for completion of the redesign
17 and shall also include a date for completion.

18 (d) AUTHORIZATION.—There is authorized to be ap-
19 propriated to the Administrator to carry out this section
20 \$12,000,000 for each of fiscal years 2000, 2001, and
21 2002.

22 **SEC. 737. COMPLIANCE WITH REQUIREMENTS.**

23 Notwithstanding any other provision of law, in order
24 to avoid unnecessary duplication of expense and effort, the
25 Secretary may authorize the use, in whole or in part, of

1 a completed environmental assessment or environmental
2 impact study for new construction projects on the air oper-
3 ations area of an airport, if the completed assessment or
4 study was for a project at the airport that is substantially
5 similar in nature to the new project. Any such authorized
6 use shall meet all requirements of Federal law for the com-
7 pletion of such an assessment or study.

8 **SEC. 738. FAA CONSIDERATION OF CERTAIN STATE PRO-**
9 **POSALS.**

10 The Administrator is encouraged to consider any pro-
11 posal with a regional consensus submitted by a State avia-
12 tion authority regarding the expansion of existing airport
13 facilities or the introduction of new airport facilities.

14 **SEC. 739. CINCINNATI-MUNICIPAL BLUE ASH AIRPORT.**

15 (a) APPROVAL OF SALE.—To maintain the efficient
16 utilization of airports in the high-growth Cincinnati local
17 airport system, and to ensure that the Cincinnati-Munic-
18 ipal Blue Ash Airport continues to operate to relieve con-
19 gestion at Cincinnati-Northern Kentucky International
20 Airport and to provide greater access to the general avia-
21 tion community beyond the expiration of the city of Cin-
22 cinnati's grant obligations, the Secretary may approve the
23 sale of Cincinnati-Municipal Blue Ash Airport from the
24 city of Cincinnati to the city of Blue Ash upon a finding
25 that the city of Blue Ash meets all applicable requirements

1 for sponsorship and if the city of Blue Ash agrees to con-
2 tinue to maintain and operate Blue Ash Airport, as gen-
3 erally contemplated and described within the Blue Ash
4 Master Plan Update dated November 30, 1998, for a pe-
5 riod of 20 years from the date existing grant assurance
6 obligations of the city of Cincinnati expire.

7 (b) TREATMENT OF PROCEEDS FROM SALE.—The
8 Secretary and the Administrator are authorized to grant
9 the city of Cincinnati an exemption from the provisions
10 of sections 47107 and 47133 of title 49, United States
11 Code, grant obligations of the city of Cincinnati, and regu-
12 lations and policies of the Federal Aviation Administra-
13 tion, to the extent necessary to allow the city of Cincinnati
14 to use the proceeds from the sale approved under sub-
15 section (a) for any purpose authorized by the city of Cin-
16 cinnati.

17 **SEC. 740. AUTHORITY TO SELL AIRCRAFT AND AIRCRAFT**
18 **PARTS FOR USE IN RESPONDING TO OIL**
19 **SPILLS.**

20 (a) AUTHORITY.—

21 (1) SALE OF AIRCRAFT AND AIRCRAFT
22 PARTS.—Notwithstanding section 202 of the Federal
23 Property and Administrative Services Act of 1949
24 (40 U.S.C. 483) and subject to subsections (b) and
25 (c), the Secretary of Defense may sell, during the

1 period beginning on the date of enactment of this
2 Act and ending September 30, 2002, aircraft and
3 aircraft parts referred to in paragraph (2) to a per-
4 son or entity that provides oil spill response services
5 (including the application of oil dispersants by air)
6 pursuant to an oil spill response plan that has been
7 approved by the Secretary of the Department in
8 which the Coast Guard is operating.

9 (2) AIRCRAFT AND AIRCRAFT PARTS THAT MAY
10 BE SOLD.—The aircraft and aircraft parts that may
11 be sold under paragraph (1) are aircraft and aircraft
12 parts of the Department of Defense that are deter-
13 mined by the Secretary of Defense to be—

14 (A) excess to the needs of the Department;
15 and

16 (B) acceptable for commercial sale.

17 (b) CONDITIONS OF SALE.—Aircraft and aircraft
18 parts sold under subsection (a)—

19 (1) shall have as their primary purpose usage
20 for oil spill spotting, observation, and dispersant de-
21 livery and may not have any secondary purpose that
22 would interfere with oil spill response efforts under
23 an oil spill response plan; and

24 (2) may not be flown outside of or removed
25 from the United States except for the purpose of ful-

1 filling an international agreement to assist in oil
2 spill dispersing efforts, for immediate response ef-
3 forts for an oil spill outside United States waters
4 that has the potential to threaten United States wa-
5 ters, or for other purposes that are jointly approved
6 by the Secretary of Defense and the Secretary of
7 Transportation.

8 (c) CERTIFICATION OF PERSONS AND ENTITIES.—

9 The Secretary of Defense may sell aircraft and aircraft
10 parts to a person or entity under subsection (a) only if
11 the Secretary of Transportation certifies to the Secretary
12 of Defense, in writing, before the sale, that the person or
13 entity is capable of meeting the terms and conditions of
14 a contract to deliver oil spill dispersants by air, and that
15 the overall system to be employed by that person or entity
16 for the delivery and application of oil spill dispersants has
17 been sufficiently tested to ensure that the person or entity
18 is capable of being included in an oil spill response plan
19 that has been approved by the Secretary of the Depart-
20 ment in which the Coast Guard is operating.

21 (d) REGULATIONS.—

22 (1) ISSUANCE.—As soon as practicable after
23 the date of enactment of this Act, the Secretary of
24 Defense, in consultation with the Secretary of
25 Transportation and the Administrator of General

1 Services, shall prescribe regulations relating to the
2 sale of aircraft and aircraft parts under this section.

3 (2) CONTENTS.—The regulations shall—

4 (A) ensure that the sale of the aircraft and
5 aircraft parts is made at a fair market value,
6 as determined by the Secretary of Defense, and,
7 to the extent practicable, on a competitive basis;

8 (B) require a certification by the purchaser
9 that the aircraft and aircraft parts will be used
10 only in accordance with the conditions set forth
11 in subsection (b);

12 (C) establish appropriate means of veri-
13 fying and enforcing the use of the aircraft and
14 aircraft parts by the purchaser and other opera-
15 tors in accordance with the conditions set forth
16 in subsection (b) or pursuant to subsection (e);
17 and

18 (D) ensure, to the maximum extent prac-
19 ticable, that the Secretary of Defense consults
20 with the Administrator of General Services and
21 with the heads of appropriate departments and
22 agencies of the Federal Government regarding
23 alternative requirements for such aircraft and
24 aircraft parts before the sale of such aircraft
25 and aircraft parts under this section.

1 (e) ADDITIONAL TERMS AND CONDITIONS.—The
2 Secretary of Defense may require such other terms and
3 conditions in connection with each sale of aircraft and air-
4 craft parts under this section as the Secretary considers
5 appropriate for such sale. Such terms and conditions shall
6 meet the requirements of regulations prescribed under
7 subsection (d).

8 (f) REPORT.—Not later than March 31, 2002, the
9 Secretary of Defense shall transmit to the Committees on
10 Armed Services and Commerce, Science, and Transpor-
11 tation of the Senate and the Committees on National Se-
12 curity and Transportation and Infrastructure of the
13 House of Representatives a report on the Secretary's exer-
14 cise of authority under this section. The report shall set
15 forth—

16 (1) the number and types of aircraft sold under
17 the authority, and the terms and conditions under
18 which the aircraft were sold;

19 (2) the persons or entities to which the aircraft
20 were sold; and

21 (3) an accounting of the current use of the air-
22 craft sold.

23 (g) STATUTORY CONSTRUCTION.—

24 (1) AUTHORITY OF ADMINISTRATOR.—Nothing
25 in this section may be construed as affecting the au-

1 thority of the Administrator under any other provi-
2 sion of law.

3 (2) CERTIFICATION REQUIREMENTS.—Nothing
4 in this section may be construed to waive, with re-
5 spect to an aircraft sold under the authority of this
6 section, any requirement to obtain a certificate from
7 the Administrator to operate the aircraft for any
8 purpose (other than oil spill spotting, observation,
9 and dispersant delivery) for which such a certificate
10 is required.

11 (h) PROCEEDS FROM SALE.—The net proceeds of
12 any amounts received by the Secretary of Defense from
13 the sale of aircraft and aircraft parts under this section
14 shall be covered into the general fund of the Treasury as
15 miscellaneous receipts.

16 **SEC. 741. DISCRIMINATORY PRACTICES BY COMPUTER RES-**
17 **ERVATIONS SYSTEMS OUTSIDE THE UNITED**
18 **STATES.**

19 (a) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY
20 FOREIGN CRS SYSTEMS.—Section 41310 is amended by
21 adding at the end the following:

22 “(g) ACTIONS AGAINST DISCRIMINATORY ACTIVITY
23 BY FOREIGN CRS SYSTEMS.—The Secretary of Transpor-
24 tation may take such actions as the Secretary considers
25 are in the public interest to eliminate an activity of a for-

1 eign air carrier that owns or markets a computer reserva-
2 tions system, or of a computer reservations system firm
3 whose principal offices are located outside the United
4 States, when the Secretary, on the initiative of the Sec-
5 retary or on complaint, decides that the activity, with re-
6 spect to airline service—

7 “(1) is an unjustifiable or unreasonable dis-
8 criminatory, predatory, or anticompetitive practice
9 against a computer reservations system firm whose
10 principal offices are located inside the United States;
11 or

12 “(2) imposes an unjustifiable or unreasonable
13 restriction on access of such a computer reservations
14 system to a foreign market.”.

15 (b) COMPLAINTS BY CRS FIRMS.—Section 41310 is
16 amended—

17 (1) in subsection (d)(1)—

18 (A) by striking “air carrier” in the first
19 sentence and inserting “air carrier, computer
20 reservations system firm,”;

21 (B) by striking “subsection (c)” and in-
22 serting “subsection (c) or (g)”; and

23 (C) by striking “air carrier” in subpara-
24 graph (B) and inserting “air carrier or com-
25 puter reservations system firm”; and

1 (2) in subsection (e)(1) by inserting “or a com-
2 puter reservations system firm is subject when pro-
3 viding services with respect to airline service” before
4 the period at the end of the first sentence.

5 **SEC. 742. SPECIALTY METALS CONSORTIUM.**

6 (a) IN GENERAL.—The Administrator may work with
7 a consortium of domestic metal producers and aircraft en-
8 gine manufacturers to improve the quality of turbine en-
9 gine materials and to address melting technology enhance-
10 ments.

11 (b) REPORT.—Not later than 6 months after entering
12 into an agreement with a consortium described in sub-
13 section (a), the Administrator shall transmit to Congress
14 a report on the goals and efforts of the consortium.

15 **SEC. 743. ALKALI SILICA REACTIVITY DISTRESS.**

16 (a) IN GENERAL.—The Administrator may conduct
17 a study on the impact of alkali silica reactivity distress
18 on airport runways and taxiways and the use of lithium
19 salts and other alternatives for mitigation and prevention
20 of such distress. The study shall include a determination
21 based on in-the-field inspections followed by petrographic
22 analysis or other similar techniques.

23 (b) AUTHORITY TO MAKE GRANTS.—The Adminis-
24 trator may carry out the study by making a grant to, or

1 entering into a cooperative agreement with, a nonprofit
2 organization for the conduct of all or a part of the study.

3 (c) REPORT.—Not later than 18 months after the
4 date of initiation of the study under subsection (a), the
5 Administrator shall transmit to Congress a report on the
6 results of the study.

7 **SEC. 744. ROLLING STOCK EQUIPMENT.**

8 (a) IN GENERAL.—Section 1168 of title 11, United
9 States Code, is amended to read as follows:

10 **“§ 1168. Rolling stock equipment**

11 “(a)(1) The right of a secured party with a security
12 interest in or of a lessor or conditional vendor of equip-
13 ment described in paragraph (2) to take possession of such
14 equipment in compliance with an equipment security
15 agreement, lease, or conditional sale contract, and to en-
16 force any of its other rights or remedies under such secu-
17 rity agreement, lease, or conditional sale contract, to sell,
18 lease, or otherwise retain or dispose of such equipment,
19 is not limited or otherwise affected by any other provision
20 of this title or by any power of the court, except that right
21 to take possession and enforce those other rights and rem-
22 edies shall be subject to section 362, if—

23 “(A) before the date that is 60 days after the
24 date of commencement of a case under this chapter,
25 the trustee, subject to the court’s approval, agrees to

1 perform all obligations of the debtor under such se-
2 curity agreement, lease, or conditional sale contract;
3 and

4 “(B) any default, other than a default of a kind
5 described in section 365(b)(2), under such security
6 agreement, lease, or conditional sale contract—

7 “(i) that occurs before the date of com-
8 mencement of the case and is an event of de-
9 fault therewith is cured before the expiration of
10 such 60-day period;

11 “(ii) that occurs or becomes an event of
12 default after the date of commencement of the
13 case and before the expiration of such 60-day
14 period is cured before the later of—

15 “(I) the date that is 30 days after the
16 date of the default or event of the default;
17 or

18 “(II) the expiration of such 60-day
19 period; and

20 “(iii) that occurs on or after the expiration
21 of such 60-day period is cured in accordance
22 with the terms of such security agreement,
23 lease, or conditional sale contract, if cure is per-
24 mitted under that agreement, lease, or condi-
25 tional sale contract.

1 “(2) The equipment described in this paragraph—

2 “(A) is rolling stock equipment or accessories
3 used on rolling stock equipment, including super-
4 structures or racks, that is subject to a security in-
5 terest granted by, leased to, or conditionally sold to
6 a debtor; and

7 “(B) includes all records and documents relat-
8 ing to such equipment that are required, under the
9 terms of the security agreement, lease, or conditional
10 sale contract, that is to be surrendered or returned
11 by the debtor in connection with the surrender or re-
12 turn of such equipment.

13 “(3) Paragraph (1) applies to a secured party, lessor,
14 or conditional vendor acting in its own behalf or acting
15 as trustee or otherwise in behalf of another party.

16 “(b) The trustee and the secured party, lessor, or
17 conditional vendor whose right to take possession is pro-
18 tected under subsection (a) may agree, subject to the
19 court’s approval, to extend the 60-day period specified in
20 subsection (a)(1).

21 “(c)(1) In any case under this chapter, the trustee
22 shall immediately surrender and return to a secured party,
23 lessor, or conditional vendor, described in subsection
24 (a)(1), equipment described in subsection (a)(2), if at any
25 time after the date of commencement of the case under

1 this chapter such secured party, lessor, or conditional ven-
2 dor is entitled pursuant to subsection (a)(1) to take pos-
3 session of such equipment and makes a written demand
4 for such possession of the trustee.

5 “(2) At such time as the trustee is required under
6 paragraph (1) to surrender and return equipment de-
7 scribed in subsection (a)(2), any lease of such equipment,
8 and any security agreement or conditional sale contract
9 relating to such equipment, if such security agreement or
10 conditional sale contract is an executory contract, shall be
11 deemed rejected.

12 “(d) With respect to equipment first placed in service
13 on or prior to October 22, 1994, for purposes of this
14 section—

15 “(1) the term ‘lease’ includes any written agree-
16 ment with respect to which the lessor and the debt-
17 or, as lessee, have expressed in the agreement or in
18 a substantially contemporaneous writing that the
19 agreement is to be treated as a lease for Federal in-
20 come tax purposes; and

21 “(2) the term ‘security interest’ means a pur-
22 chase-money equipment security interest.

23 “(e) With respect to equipment first placed in service
24 after October 22, 1994, for purposes of this section, the
25 term ‘rolling stock equipment’ includes rolling stock equip-

1 ment that is substantially rebuilt and accessories used on
2 such equipment.”.

3 (b) AIRCRAFT EQUIPMENT AND VESSELS.—Section
4 1110 of title 11, United States Code, is amended to read
5 as follows:

6 **“§ 1110. Aircraft equipment and vessels**

7 “(a)(1) Except as provided in paragraph (2) and sub-
8 ject to subsection (b), the right of a secured party with
9 a security interest in equipment described in paragraph
10 (3), or of a lessor or conditional vendor of such equipment,
11 to take possession of such equipment in compliance with
12 a security agreement, lease, or conditional sale contract,
13 and to enforce any of its other rights or remedies, under
14 such security agreement, lease, or conditional sale con-
15 tract, to sell, lease, or otherwise retain or dispose of such
16 equipment, is not limited or otherwise affected by any
17 other provision of this title or by any power of the court.

18 “(2) The right to take possession and to enforce the
19 other rights and remedies described in paragraph (1) shall
20 be subject to section 362 if—

21 “(A) before the date that is 60 days after the
22 date of the order for relief under this chapter, the
23 trustee, subject to the approval of the court, agrees
24 to perform all obligations of the debtor under such

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1 security agreement, lease, or conditional sale con-
2 tract; and

3 “(B) any default, other than a default of a kind
4 specified in section 365(b)(2), under such security
5 agreement, lease, or conditional sale contract—

6 “(i) that occurs before the date of the
7 order is cured before the expiration of such 60-
8 day period;

9 “(ii) that occurs after the date of the order
10 and before the expiration of such 60-day period
11 is cured before the later of—

12 “(I) the date that is 30 days after the
13 date of the default; or

14 “(II) the expiration of such 60-day
15 period; and

16 “(iii) that occurs on or after the expiration
17 of such 60-day period is cured in compliance
18 with the terms of such security agreement,
19 lease, or conditional sale contract, if a cure is
20 permitted under that agreement, lease, or con-
21 tract.

22 “(3) The equipment described in this paragraph—

23 “(A) is—

24 “(i) an aircraft, aircraft engine, propeller,
25 appliance, or spare part (as defined in section

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1 40102 of title 49) that is subject to a security
2 interest granted by, leased to, or conditionally
3 sold to a debtor that, at the time such trans-
4 action is entered into, holds an air carrier oper-
5 ating certificate issued pursuant to chapter 447
6 of title 49 for aircraft capable of carrying 10 or
7 more individuals or 6,000 pounds or more of
8 cargo; or

9 “(ii) a documented vessel (as defined in
10 section 30101(1) of title 46) that is subject to
11 a security interest granted by, leased to, or con-
12 ditionally sold to a debtor that is a water car-
13 rier that, at the time such transaction is en-
14 tered into, holds a certificate of public conven-
15 ience and necessity or permit issued by the De-
16 partment of Transportation; and

17 “(B) includes all records and documents relat-
18 ing to such equipment that are required, under the
19 terms of the security agreement, lease, or conditional
20 sale contract, to be surrendered or returned by the
21 debtor in connection with the surrender or return of
22 such equipment.

23 “(4) Paragraph (1) applies to a secured party, lessor,
24 or conditional vendor acting in its own behalf or acting
25 as trustee or otherwise in behalf of another party.

1 “(b) The trustee and the secured party, lessor, or
2 conditional vendor whose right to take possession is pro-
3 tected under subsection (a) may agree, subject to the ap-
4 proval of the court, to extend the 60-day period specified
5 in subsection (a)(1).

6 “(c)(1) In any case under this chapter, the trustee
7 shall immediately surrender and return to a secured party,
8 lessor, or conditional vendor, described in subsection
9 (a)(1), equipment described in subsection (a)(3), if at any
10 time after the date of the order for relief under this chap-
11 ter such secured party, lessor, or conditional vendor is en-
12 titled pursuant to subsection (a)(1) to take possession of
13 such equipment and makes a written demand for such pos-
14 session to the trustee.

15 “(2) At such time as the trustee is required under
16 paragraph (1) to surrender and return equipment de-
17 scribed in subsection (a)(3), any lease of such equipment,
18 and any security agreement or conditional sale contract
19 relating to such equipment, if such security agreement or
20 conditional sale contract is an executory contract, shall be
21 deemed rejected.

22 “(d) With respect to equipment first placed in service
23 on or before October 22, 1994, for purposes of this
24 section—

1 “(1) the term ‘lease’ includes any written agree-
2 ment with respect to which the lessor and the debt-
3 or, as lessee, have expressed in the agreement or in
4 a substantially contemporaneous writing that the
5 agreement is to be treated as a lease for Federal in-
6 come tax purposes; and

7 “(2) the term ‘security interest’ means a pur-
8 chase-money equipment security interest.”.

9 **SEC. 745. GENERAL ACCOUNTING OFFICE AIRPORT NOISE**
10 **STUDY.**

11 (a) IN GENERAL.—The Comptroller General of the
12 United States shall conduct a study on airport noise in
13 the United States.

14 (b) CONTENTS OF STUDY.—In conducting the study,
15 the Comptroller General shall examine—

16 (1) the selection of noise measurement meth-
17 odologies used by the Administrator;

18 (2) the threshold of noise at which health be-
19 gins to be affected;

20 (3) the effectiveness of noise abatement pro-
21 grams at airports located in the United States;

22 (4) the impacts of aircraft noise on commu-
23 nities, including schools;

24 (5) the noise assessment practices of the Fed-
25 eral Aviation Administration and whether such prac-

1 tices fairly and accurately reflect the burden of noise
2 on communities; and

3 (6) the items requested to be examined by cer-
4 tain members of the House of Representatives in a
5 letter relating to aircraft noise to the Comptroller
6 General dated April 30, 1999.

7 (c) REPORT.—Not later than 1 year after the date
8 of enactment of this Act, the Comptroller General shall
9 transmit to Congress a report on the results of the study.

10 **SEC. 746. NOISE STUDY OF SKY HARBOR AIRPORT, PHOE-**
11 **NIX, ARIZONA.**

12 (a) IN GENERAL.—The Administrator shall conduct
13 a study on recent changes to the flight patterns of aircraft
14 using Sky Harbor Airport in Phoenix, Arizona, and the
15 effects of such changes on the noise contours in the Phoe-
16 nix, Arizona, region.

17 (b) REPORT.—

18 (1) IN GENERAL.—Not later than 90 days after
19 the date of enactment of this Act, the Administrator
20 shall transmit to Congress a report containing the
21 results of the study conducted under subsection (a)
22 and recommendations for measures to mitigate air-
23 craft noise over populated areas in the Phoenix, Ari-
24 zona, region.

1 (2) AVAILABILITY TO THE PUBLIC.—The Ad-
2 ministrators shall make the report described in para-
3 graph (1) available to the public.

4 **SEC. 747. NONMILITARY HELICOPTER NOISE.**

5 (a) IN GENERAL.—The Secretary shall conduct a
6 study—

7 (1) on the effects of nonmilitary helicopter noise
8 on individuals in densely populated areas in the con-
9 tinental United States; and

10 (2) to develop recommendations for the reduc-
11 tion of the effects of nonmilitary helicopter noise.

12 (b) FOCUS.—In conducting the study, the Secretary
13 shall focus on air traffic control procedures to address hel-
14 icopter noise problems and shall take into account the
15 needs of law enforcement.

16 (c) CONSIDERATION OF VIEWS.—In conducting the
17 study, the Secretary shall consider the views of representa-
18 tives of the helicopter industry and organizations with an
19 interest in reducing nonmilitary helicopter noise.

20 (d) REPORT.—Not later than 1 year after the date
21 of enactment of this Act, the Secretary shall transmit to
22 Congress a report on the results of the study conducted
23 under this section.

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1 **SEC. 748. NEWPORT NEWS, VIRGINIA.**

2 (a) AUTHORITY TO GRANT WAIVERS.—Notwith-
3 standing section 16 of the Federal Airport Act (as in ef-
4 fect on May 14, 1947) or section 47125 of title 49, United
5 States Code, the Secretary may, subject to section 47153
6 of such title (as in effect on June 1, 1998), and subsection
7 (b) of this section, waive with respect to airport property
8 parcels that, according to the Federal Aviation Adminis-
9 tration approved airport layout plan for Newport News/
10 Williamsburg International Airport, are no longer required
11 for airport purposes from any term contained in the deed
12 of conveyance dated May 14, 1947, under which the
13 United States conveyed such property to the Peninsula
14 Airport Commission for airport purposes of the Commis-
15 sion.

16 (b) CONDITIONS.—Any waiver granted by the Sec-
17 retary under subsection (a) shall be subject to the fol-
18 lowing conditions:

19 (1) The Peninsula Airport Commission shall
20 agree that, in leasing or conveying any interest in
21 the property with respect to which waivers are
22 granted under subsection (a), the Commission will
23 receive an amount that is equal to the fair lease
24 value or the fair market value, as the case may be,
25 as determined pursuant to regulations issued by the
26 Secretary.

1 (2) Peninsula Airport Commission shall use any
2 amount so received only for the development, im-
3 provement, operation, or maintenance of Newport
4 News/Williamsburg International Airport.

5 **SEC. 749. AUTHORITY TO WAIVE TERMS OF DEED OF CON-**
6 **VEYANCE, YAVAPAI COUNTY, ARIZONA.**

7 (a) IN GENERAL.—Notwithstanding the Federal Air-
8 port Act (as in effect on October 31, 1956) or sections
9 47125 and 47153 of title 49, United States Code, and
10 subject to this section, the Secretary of Transportation
11 may waive any term contained in the deed of conveyance
12 dated October 31, 1956, by which the United States con-
13 veyed lands to the county of Yavapai, Arizona, for use by
14 the county for airport purposes.

15 (b) LIMITATION.—No waiver may be granted under
16 subsection (a) if the waiver would result in the closure of
17 an airport.

18 (c) CONDITION.—The county of Yavapai, Arizona,
19 shall agree that, in leasing or conveying any interest in
20 property to which the deed of conveyance described in sub-
21 section (a) relates, the county will receive an amount that
22 is equal to the fair lease value or the fair market value,
23 as the case may be, as determined pursuant to regulations
24 issued by the Secretary.

1 **SEC. 750. AUTHORITY TO WAIVE TERMS OF DEED OF CON-**
2 **VEYANCE, PINAL COUNTY, ARIZONA.**

3 (a) IN GENERAL.—Notwithstanding the Federal Air-
4 port Act (as in effect on June 3, 1952) or sections 47125
5 and 47153 of title 49, United States Code, and subject
6 to this section, the Secretary of Transportation may waive
7 any term contained in the deed of conveyance dated June
8 3, 1952, by which the United States conveyed lands to
9 the county of Pinal, Arizona, for use by the county for
10 airport purposes.

11 (b) LIMITATION.—No waiver may be granted under
12 subsection (a) if the waiver would result in the closure of
13 an airport.

14 (c) CONDITION.—The county of Pinal, Arizona, shall
15 agree that, in leasing or conveying any interest in property
16 to which the deed of conveyance described in subsection
17 (a) relates, the county will receive an amount that is equal
18 to the fair lease value or the fair market value, as the
19 case may be, as determined pursuant to regulations issued
20 by the Secretary.

21 **SEC. 751. CONVEYANCE OF AIRPORT PROPERTY TO AN IN-**
22 **STITUTION OF HIGHER EDUCATION IN OKLA-**
23 **HOMA.**

24 (a) IN GENERAL.—Notwithstanding any other provi-
25 sion of law, including the Surplus Property Act of 1944
26 (58 Stat. 765, chapter 479; 50 U.S.C. App. 1622 et seq.),

1 and subject to the requirements of this section, the Sec-
2 retary (or the appropriate Federal officer) may waive,
3 without charge, any of the terms contained in any deed
4 of conveyance described in subsection (b) that restrict the
5 use of any land described in such a deed that, as of the
6 date of enactment of this Act, is not being used for the
7 operation of an airport or for air traffic. A waiver made
8 under the preceding sentence shall be deemed to be con-
9 sistent with the requirements of section 47153 of title 49,
10 United States Code.

11 (b) DEED OF CONVEYANCE.—A deed of conveyance
12 referred to in subsection (a) is a deed of conveyance issued
13 by the United States before the date of enactment of this
14 Act for the conveyance of lands to a public institution of
15 higher education in Oklahoma.

16 (c) USE OF LANDS SUBJECT TO WAIVER.—

17 (1) IN GENERAL.—Notwithstanding any other
18 provision of law, the lands subject to a waiver under
19 subsection (a) shall not be subject to any term, con-
20 dition, reservation, or restriction that would other-
21 wise apply to that land as a result of the conveyance
22 of that land by the United States to the institution
23 of higher education.

24 (2) USE OF REVENUES.—An institution of
25 higher education that is issued a waiver under sub-

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1 section (a) shall use revenues derived from the use,
2 operation, or disposal of that land—

3 (A) for the airport; and

4 (B) to the extent that funds remain avail-
5 able, for weather-related and educational pur-
6 poses that primarily benefit aviation.

7 (d) CONDITION.—An institution of higher education
8 that is issued a waiver under subsection (a), shall agree
9 that, in leasing or conveying any interest in land to which
10 the deed of conveyance described in subsection (b) relates,
11 the institution will receive an amount that is equal to the
12 fair lease value or the fair market value, as the case may
13 be, as determined pursuant to regulations issued by the
14 Secretary.

15 (e) GRANTS.—

16 (1) IN GENERAL.—Notwithstanding any other
17 provision of law, if an institution of higher education
18 that is subject to a waiver under subsection (a) re-
19 ceived financial assistance in the form of a grant
20 from the Federal Aviation Administration or a pred-
21 ecessor agency before the date of enactment of this
22 Act, then the Secretary may waive the repayment of
23 the outstanding amount of any grant that the insti-
24 tution of higher education would otherwise be re-
25 quired to pay.

1 (2) ELIGIBILITY TO RECEIVE SUBSEQUENT
2 GRANTS.—Nothing in paragraph (1) shall affect the
3 eligibility of an institution of higher education that
4 is subject to that paragraph from receiving grants
5 from the Secretary under chapter 471 of title 49,
6 United States Code, or under any other provision of
7 law relating to financial assistance provided through
8 the Federal Aviation Administration.

9 **SEC. 752. FORMER AIRFIELD LANDS, GRANT PARISH, LOU-**
10 **ISIANA.**

11 (a) IN GENERAL.—Subject to the requirements of
12 this section, the United States may release, without mone-
13 tary consideration, all restrictions, conditions, and limita-
14 tions on the use, encumbrance, or conveyance of certain
15 land located in Grant Parish, Louisiana, identified as
16 Tracts B, C, and D on the map entitled “Plat of Re-
17 stricted Properties/Former Pollock Army Airfield, Pollock,
18 Louisiana”, dated August 1, 1996, to the extent such re-
19 strictions, conditions, and limitations are enforceable by
20 the United States, but the United States shall retain the
21 right of access to, and use of, that land for national de-
22 fense purposes in time of war or national emergency.

23 (b) CONDITIONS.—Any release under subsection (a)
24 shall be subject to the following conditions:

1 (1) In leasing or conveying any interest in the
2 land with respect to which releases are granted
3 under subsection (a), the party owning the property
4 after the releases shall receive an amount that is
5 equal to the fair lease value or the fair market value,
6 as the case may be, as determined pursuant to regu-
7 lations issued by the Secretary.

8 (2) Any amount so received may be used only
9 for the development, improvement, operation, or
10 maintenance of the airport.

11 **SEC. 753. RALEIGH COUNTY, WEST VIRGINIA, MEMORIAL**
12 **AIRPORT.**

13 (a) IN GENERAL.—Subject to subsection (b), the Sec-
14 retary may grant a release from any term or condition
15 in a grant agreement for the development or improvement
16 of the Raleigh County Memorial Airport, West Virginia,
17 if the Secretary determines that the property to which the
18 release applies—

19 (1) does not exceed 400 acres; and

20 (2) is not needed for airport purposes.

21 (b) CONDITION.—The proceeds of the sale of any
22 property to which a release under subsection (a) applies
23 shall be used for airport purposes.

1 **SEC. 754. IDITAROD AREA SCHOOL DISTRICT.**

2 Notwithstanding any other provision of law (including
3 section 47125 of title 49, United States Code), the
4 Administrator of the Federal Aviation Administration, or
5 the Administrator of General Services, may convey to the
6 Iditarod Area School District without reimbursement all
7 right, title, and interest in 12 acres of property at Lake
8 Minchumina, Alaska, identified by the Administrator of
9 the Federal Aviation Administration, including the structures
10 known as housing units 100 through 105 and as
11 utility building 301.

12 **SEC. 755. ALTERNATIVE POWER SOURCES FOR FLIGHT**
13 **DATA RECORDERS AND COCKPIT VOICE RE-**
14 **CORDERS.**

15 (a) STUDY.—The Administrator shall conduct a
16 study on the need for an alternative power source for on-
17 board flight data recorders and cockpit voice recorders.

18 (b) REPORT.—Not later than 120 days after the date
19 of enactment of this Act, the Administrator shall transmit
20 to Congress a report on the results of the study.

21 (c) COORDINATION WITH NTSB.—If, before submitting
22 the report, the Administrator determines, after consultation
23 with the National Transportation Safety Board, that the Board
24 is preparing recommendations with respect to the matter to be
25 studied under this section and will
26 issue the recommendations within a reasonable period of

1 time, the Administrator shall transmit to Congress a re-
2 port containing the Administrator's comments on the
3 Board's recommendations rather than conducting a sepa-
4 rate study under this section.

5 **SEC. 756. TERMINAL AUTOMATED RADAR DISPLAY AND IN-**
6 **FORMATION SYSTEM.**

7 The Administrator shall develop a national policy and
8 related procedures concerning the Terminal Automated
9 Radar Display and Information System and sequencing
10 for visual flight rule air traffic control towers.

11 **SEC. 757. STREAMLINING SEAT AND RESTRAINT SYSTEM**
12 **CERTIFICATION PROCESS AND DYNAMIC**
13 **TESTING REQUIREMENTS.**

14 (a) WORKING GROUPS.—Not later than 3 months
15 after the date of enactment of this Act, the Administrator
16 shall form a working group comprised of both government
17 and industry representatives to make recommendations
18 for streamlining the seat and restraint system certification
19 process and the 16g dynamic testing requirements under
20 part 25 of title 14, Code of Federal Regulations, to focus
21 on reducing both the cost and the length of time associ-
22 ated with certification of aircraft seats and restraints.

23 (b) REPORT.—Not later than 1 year after the date
24 of enactment of this Act, the Administrator shall transmit
25 to Congress a report on the findings of the working group.

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1 **SEC. 758. EXPRESSING THE SENSE OF THE SENATE CON-**
2 **CERNING AIR TRAFFIC OVER NORTHERN**
3 **DELAWARE.**

4 (a) DEFINITION.—The term “Brandywine Intercept”
5 means the point over Brandywine Hundred in northern
6 Delaware that pilots use for guidance and maintenance of
7 safe operation from other aircraft and over which most
8 aircraft pass on their East Operations approach to Phila-
9 delphia International Airport.

10 (b) FINDINGS.—Congress makes the following find-
11 ings:

12 (1) The Brandywine Hundred area of New Cas-
13 tle County, Delaware, serves as a major approach
14 causeway to Philadelphia International Airport’s
15 East Operations runways.

16 (2) The standard of altitude over the Brandy-
17 wine Intercept is 3,000 feet, with airport scatter
18 charts indicating that within a given hour of con-
19 sistent weather and visibility aircraft fly over the
20 Brandywine Hundred at anywhere from 2,500 to
21 4,000 feet.

22 (3) Lower airplane altitudes result in increased
23 ground noise.

24 (c) SENSE OF THE SENATE.—It is the sense of the
25 Senate that the Secretary should—

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1 (1) include northern Delaware in any study of
2 aircraft noise conducted under part 150 of title 14,
3 Code of Federal Regulations, required under the Na-
4 tional Environmental Policy Act of 1969 for the re-
5 design of the airspace surrounding Philadelphia
6 International Airport;

7 (2) study the feasibility, consistent with safety,
8 of placing the approach causeway for Philadelphia
9 International Airport's East Operations over the
10 Delaware River (instead of Brandywine Hundred);
11 and

12 (3) study the feasibility of increasing the stand-
13 ard altitude over the Brandywine Intercept from
14 3,000 feet to 4,000 feet.

15 **SEC. 759. POST FREE FLIGHT PHASE I ACTIVITIES.**

16 Not later than August 1, 2000, the Administrator
17 shall transmit to Congress a definitive plan for the contin-
18 ued implementation of Free Flight Phase I operational ca-
19 pabilities for fiscal years 2003 through 2005. The plan
20 shall include and address the recommendations concerning
21 operational capabilities for fiscal years 2003 through 2005
22 due to be made by the RTCA Free Flight Steering Com-
23 mittee in December 1999 that was established at the di-
24 rection of the Federal Aviation Administration. The plan

1 shall also include budget estimates for the implementation
2 of these operational capabilities.

3 **SEC. 760. SENSE OF CONGRESS REGARDING PROTECTING**
4 **THE FREQUENCY SPECTRUM USED FOR AVIA-**
5 **TION COMMUNICATION.**

6 It is the sense of Congress that with the World Radio
7 Communication Conference scheduled to begin in May
8 2000 and the need to ensure that the frequency spectrum
9 available for aviation communication and navigation is
10 adequate, the Federal Aviation Administration, working
11 with appropriate Federal agencies and departments,
12 should—

13 (1) give high priority to developing a national
14 policy to protect the frequency spectrum used for the
15 Global Positioning System that is critical to aviation
16 communications and the safe operation of aircraft;
17 and

18 (2) expedite the appointment of the United
19 States Ambassador to the World Radio Communica-
20 tion Conference.

21 **SEC. 761. LAND EXCHANGES, FORT RICHARDSON AND EL-**
22 **MENDORF AIR FORCE BASE, ALASKA.**

23 (a) CONVEYANCE AUTHORIZED.—The Secretary of
24 the Interior and the Secretaries of the Army, Air Force,
25 or such other military departments as may be necessary

1 and appropriate may convey to the Alaska Railroad Cor-
2 poration for purposes of track realignment all right, title,
3 and interest of the United States in and to approximately
4 227 acres of land located on Fort Richardson and on El-
5 mendorf Air Force Base, Alaska, in the vicinity of, and
6 in exchange for all right, title and interest of the Alaska
7 Railroad Corporation in, approximately 229 acres of rail-
8 road right-of-way located between railroad mileposts 117
9 and 129.

10 (b) DESCRIPTION OF PROPERTY.—The exact acreage
11 and legal description of the real property to be conveyed
12 under subsection (a) shall be determined by surveys satis-
13 factory to each Secretary. The cost of the surveys shall
14 be borne by the Alaska Railroad Corporation.

15 (c) ADDITIONAL TERMS AND CONDITIONS.—Each
16 Secretary may require as to the real property under his
17 jurisdiction such additional terms and conditions in con-
18 nection with the conveyances under subsection (a) as the
19 Secretary considers appropriate to protect the interests of
20 the United States. The interest conveyed by the Alaska
21 Railroad Corporation to the United States under sub-
22 section (a) shall be the full title and interest received by
23 the Corporation under the Alaska Railroad Transfer Act
24 of 1982 (45 U.S.C. 1201 et seq.). The individual parcels
25 of real property conveyed to the United States under this

1 section shall be incorporated into the appropriate land
2 withdrawals for the military installation in which they are
3 situated or which surround them. The interest conveyed
4 to the Corporation by each Secretary under subsection (a)
5 shall be subject to the same reservations and limitations
6 under the Alaska Railroad Transfer Act of 1982 as are
7 currently applicable to the right-of-way for which the land
8 is being exchanged.

9 (d) SAVINGS CLAUSE.—Nothing in this section af-
10 fects the duties, responsibilities, and liability of the Fed-
11 eral Government under the Comprehensive Environmental
12 Response, Compensation, and Liability Act of 1980 (42
13 U.S.C. 9601 et seq.) concerning any lands exchanged
14 under this section.

15 **SEC. 762. BILATERAL RELATIONSHIP.**

16 (a) FINDINGS.—Congress makes the following find-
17 ings:

18 (1) The current agreement between the United
19 States and the United Kingdom for operating rights
20 between the 2 countries, known as Bermuda II, is
21 one of the most restrictive bilateral agreements the
22 United States has with a developed aviation power
23 that provides substantially greater opportunities and
24 has resulted in a disproportionate market share in

1 favor of United Kingdom carriers over United States
2 carriers.

3 (2) The United States has attempted in good
4 faith to negotiate a new bilateral agreement, but the
5 United Kingdom has been unwilling to accept or in-
6 troduce reasonable proposals for a new agreement.

7 (3) Because of the United Kingdom's unwilling-
8 ness to accept reasonable proposals advanced by the
9 United States, the latest rounds of negotiations be-
10 tween the United States and the United Kingdom
11 for new operating rights have failed to produce an
12 agreement between the 2 countries.

13 (4) The Secretary has the discretionary author-
14 ity to revoke the exemption held by British carriers
15 to operate the Concorde aircraft into the United
16 States.

17 (b) CONSIDERATION OF EXERCISING AUTHORITY.—
18 The Secretary should immediately consider whether exer-
19 cise of his authority to revoke the Concorde exemption
20 would be an appropriate and effective response to the
21 present unsatisfactory situation.

22 (c) CONSIDERATION OF OTHER REMEDIES.—The
23 Secretary should immediately consider whether it would
24 be effective and appropriate to execute other remedies
25 available to the United States Government, including—

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1 (1) revoking all slots and slot exemptions held
2 by British air carriers at all United States slot-re-
3 stricted airports;

4 (2) rescinding current exemptions or permits
5 under the Bermuda II bilateral to prohibit flights by
6 British carriers to the United States; or

7 (3) renunciation of the current Bermuda II bi-
8 lateral.